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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 v.  
12 JOHN HOLCOMB,  
13 Defendant.

Case No. CR21-75-RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL

14 This matter comes before the Court on defendant's "Motion to Continue Trial & Pretrial  
15 Motions Dates." Dkt. # 29. Having considered the facts set forth in the motion, and defendant's  
16 knowing and voluntary waiver, Dkt. # 30, the Court finds as follows:

17 1. The Court adopts the facts set forth in the unopposed motion:<sup>1</sup> specifically, that  
18 defense counsel intends to present a motion to suppress evidence; that defense counsel seeks to  
19 continue to obtain discovery and evidence of communications between law enforcement,  
20 forensic examiners, and prosecutorial representatives; that defendant may need the assistance of  
21 an expert to conduct forensic examinations related to dominion and control of surveillance video  
22 evidence; and that defendant has requested the government to demand the preservation of all  
23 forms of communications made by law enforcement related to the instant case. The Court  
24 accordingly finds that a failure to grant a continuance would deny counsel, and any potential  
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28 <sup>1</sup> The government filed a response to defendant's motion to continue, but the government does  
not oppose the continuance request itself. Dkt. # 31.

1 future counsel, the reasonable time necessary for effective preparation, taking into account the  
2 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

3 2. The Court finds that a failure to continue the trial date in this case would likely  
4 result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

5 3. The Court finds that the additional time requested between July 6, 2021 and the  
6 proposed trial date of June 27, 2022, is a reasonable period of delay. The Court finds that this  
7 additional time is necessary to provide defense counsel reasonable time to prepare for trial,  
8 considering all the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and  
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12 5. Defendant has executed a waiver indicating that he has been advised of his right to  
13 a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
14 that right and consented to the continuation of his trial to a date up to and including July 29,  
15 2022, Dkt. # 30, which will permit his trial to start on June 27, 2022.

16 IT IS HEREBY ORDERED that the trial date shall be continued from July 6, 2021 to  
17 June 27, 2022, and pretrial motions are to be filed no later than February 18, 2022;

18 IT IS FURTHER ORDERED that the period of time from the current trial date of July 6,  
19 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy  
20 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of  
21 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),  
22 (h)(7)(A), and (h)(7)(B)(i), (iv).

23 DATED this 7th day of June, 2021.

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27 Robert S. Lasnik  
28 United States District Judge